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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Strengthening the capacity of the Office of the United Nations High Commissioner for Refugees to carry out its mandate

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, pursuant to resolution 57/186, the report prepared by the United Nations High Commissioner for Refugees, on strengthening the capacity of the Office of the United Nations High Commissioner for Refugees to carry out its mandate.

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Report of the United Nations High Commissioner for Refugees on strengthening the capacity of the Office of the United Nations High Commissioner for Refugees to carry out its mandate*

Summary

In 2001, the United Nations High Commissioner for Refugees launched a process known as "UNHCR 2004" to review how the Office of the United Nations High Commissioner for Refugees (UNHCR) is currently situated within the United Nations system and vis-à-vis States and partners. The aim of the review was to determine how UNHCR could be better positioned to meet new challenges which have affected its capacity to carry out its mandate — the challenges of modernity. The review's conclusion was intended to coincide with the continuation of the Office beyond 2003.

The UNHCR 2004 process focused on several areas, including the challenges of modernity; the UNHCR mandate; persons of concern to the Office; governance; the UNHCR position in the United Nations family; the asylum/migration nexus; and funding.

As called for in General Assembly resolution 57/186, the present report has been prepared in consultation with the Executive Committee of the High Commissioner's Programme and the Secretary-General, as well as with partner agencies and non-governmental organizations. The actions to be taken, some of which depend on decisions by the General Assembly, cover the time-limited nature of the Office; implementation of the Agenda for Protection; accessions to the Conventions on stateless persons and statelessness; activities related to internally displaced persons; protection and assistance for returnees; the targeting of development assistance to facilitate durable solutions; addressing the asylum and migration nexus; convening periodic ministerial meetings, normally within every five years, of States Parties to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; streamlining UNHCR reporting; strengthening the linkages between UNHCR and peace and security, development and humanitarian pillars, as well as human rights bodies; partnerships with non-governmental organizations; and diversifying and broadening UNHCR funding.

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I. Responding to the challenges of modernity

1. The primary role of the Office of the United Nations Commissioner for Refugees is to ... "assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities".[1]

2. Drafted some 50 years ago, following the recognition of the right to seek and enjoy asylum in the 1948 Universal Declaration of Human Rights, the UNHCR Statute remains as relevant today as it was then. The Office's primary role has not changed, but new categories of persons of concern have been added to the responsibilities of the Office. What is needed now is to ensure that UNHCR is sufficiently equipped to carry out this mandate and to respond to the challenges of modernity.

3. Changes in the nature of armed conflict have affected patterns of population displacement. Political repression and human rights violations are still significant elements in today's displacements. However, for the majority of refugees and internally displaced persons, armed conflict, often involving non-state actors, remains the major source of threat. There is no indication that this will change in the foreseeable future. The resurgence of international terrorism has also added a new dimension to UNHCR work.

4. Globalization adds to the need for international cooperation on refugee protection and for the sharing of responsibilities and burdens. In a globalized world States cannot simply close their borders and fence themselves off; on the contrary, they have to define their policies in the broader context of multilateral action. As the Secretary-General remarks in his report on an agenda for further change,[2] the need for strong multilateral institutions has never been more acutely felt than it is today. Related to this, today there is an increased demand for comprehensive approaches to refugee problems.

5. As noted in the United Nations Millennium Declaration, the purposes and principles of the Charter of the United Nations have increased in relevance as nations and peoples have grown more interconnected and interdependent. UNHCR and its partners are often required to work simultaneously in countries of asylum and return. They are also often required to address issues related to the causes of population displacement.

6. The number of actors involved in activities related to humanitarian assistance and protection has grown significantly. Since the early 1990s, there has been a proliferation of non-governmental organizations. Important new actors also emerged within the United Nations, such as the Office for the Coordination of Humanitarian Affairs. Related to this is the growing involvement in humanitarian assistance and protection activities by military, human rights, development and political/security actors. The Security Council has increased its attention to the causes and humanitarian consequences of crises, and to the protection of civilians in conflict. The responsibilities of UNHCR have not remained static, as it has continually strived to adopt higher standards and to provide better protection to vulnerable groups of refugees, such as women and children. At the same time, the Office has

extended its involvement with stateless persons and specific categories of internally displaced persons.

7. Donors, too, have become more directly involved in humanitarian decision-making, both in terms of generic issues and in response to specific emergencies. This includes greater earmarking of contributions to United Nations agencies, direct contracting of non-governmental organizations (NGOs), proximity to operational decision-making through coordination bodies and an increasing operational presence, for instance with the establishment of field offices. Against this background, it is imperative for UNHCR to forge more meaningful partnerships as a basis for joint action.

8. Poverty, the search for employment opportunities, armed conflict, political instability, and environmental disasters all contribute to mixed migratory flows. Since legal immigration channels have gradually been narrowed, attempts to use the asylum system to gain a foothold in industrialized countries have become more prevalent. The implementation of the 1951 Convention relating to the Status of Refugees (the 1951 Convention) — which UNHCR supervises — is increasingly influenced by this development in a number of States. One of the consequences of this is that asylum policies risk becoming subordinate to migration control. This has profound implications for the way in which UNHCR must operate, and on the new partnerships it must develop.

9. Refugees returning to their countries of origin are affected greatly during the transition from emergency relief to development. The sustainability of their voluntary return largely depends on their being fully incorporated in reconstruction efforts. This is often impeded by conflicting priorities, differing planning and programming cycles, and competing resource mobilization efforts. UNHCR has tried over the years to engage development partners more effectively in addressing these difficulties, including most recently through the Framework for Durable Solutions.[3]

10. In view of all these challenges, and in considering the way forward for UNHCR, several basic themes and goals are key:

- The primary responsibility of States to protect refugees and other persons of concern to UNHCR;
- The centrality of the UNHCR international protection mandate for refugees and other persons of concern, and the need for a more concerted approach to the UNHCR international protection function in cases where States are temporarily unwilling or unable to assume that responsibility;
- The importance of ensuring that UNHCR beneficiaries are provided with an identity through registration, which is a vital tool enabling them to receive protection and access to assistance and solutions;
- Reinforced emphasis on systematic initiatives for achieving durable solutions, including through enhanced partnerships.

11. In addition, there are a number of key principles that must guide the Office in its future efforts. Its mission must be based on a spirit of solidarity, responsibility and burden sharing, and a commitment to making the Office a truly multilateral institution. UNHCR needs to assure its own proximity and access to refugees and other persons of concern, so that it can provide for their effective protection,

monitor their situation and address their needs. UNHCR must also continue to enhance the accountability and transparency of its working methods, in order to obtain the necessary support for the implementation of its mandate.

12. All this points to the need for UNHCR to be better equipped, if it is to continue fulfilling its mandate in a changing environment. Several initiatives have been undertaken to develop new tools to further enhance the capacity of the Office. They include the Global Consultations, resulting in the endorsement of the Agenda for Protection by the Executive Committee (subsequently welcomed by the General Assembly) in 2002,[4] the UNHCR 2004 process, and Convention Plus. The implementation of the Agenda for Protection should lead to arrangements that strengthen international protection of asylum-seekers and refugees, and improve compliance with the 1951 Convention and its 1967 Protocol. Convention Plus is aimed at developing policy implementation tools, in particular special agreements to complement the 1951 Convention and the 1967 Protocol, with a view to achieving durable solutions, and enhancing the sharing of responsibilities and burdens. These initiatives are mutually reinforcing.

II. Time limitation on the Office of the United Nations High Commissioner for Refugees

13. An additional measure to promote the refugee cause would be to remove the existing time limitation on the Office. According to the UNHCR Statute, "The General Assembly shall review, not later than at its eighth regular session, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 1953".[5] In subsequent resolutions, the General Assembly consistently extended these arrangements for periods of five years. The drafting of these resolutions and the process leading to their adoption became routine.

14. The 1951 Convention was limited to European refugees uprooted by the events of the Second World War. In 1967, when the Protocol to the 1951 Convention was adopted, the General Assembly recognized the timeless and global nature of the refugee problem. Nevertheless, arrangements for the Office have remained limited to a five-year time frame. Over 35 years later, it is apparent that forced population movements will continue to occur for the foreseeable future.

15. Removing the time limitation would amount to a clear recognition that there is no end yet in sight to the refugee problem. It would facilitate strategic planning and the development of long-term policies on refugee protection, particularly with regard to protracted refugee situations. It would also open up possibilities of improving multi-year programming, to address these situations more comprehensively.

Action 1: I will propose to the General Assembly the removal of the time limitation contained in General Assembly resolution 57/186.

III. Refugees and other persons of concern

A. Refugees

16. All UNHCR activities need to be considered from the perspective of its primary function of providing international protection to refugees. I have reported separately in this year's note on international protection[6] on current issues and developments in the protection area. Material assistance is an integral part of providing that protection. There is also a growing awareness that the ultimate form of protection is a durable solution, be it in the form of voluntary repatriation, resettlement or local integration. My Office, however, is often boxed in and constrained as a result of a perception that its work relates only to emergency humanitarian assistance. The scope of its activities is in fact much wider, often involving close engagement with political processes aimed at facilitating comprehensive and durable solutions.

17. Given appropriate protection and assistance, refugees can be enabled to pursue sustainable livelihoods and become self-reliant, contributing to the economic development of the host country or, on their return, to the reconstruction of their country of origin.

18. Refugees should be assured of a legal identity, provided through registration and documentation, as called for in the Agenda for Protection. Registration is also a means of enhancing the management of refugee populations. It provides beneficiary information needed for designing, planning, implementing, monitoring and evaluating protection, assistance and voluntary repatriation operations. I have emphasized this since becoming High Commissioner, in particular through Project Profile.

19. The UNHCR role would be further enhanced by additional accessions to the 1951 Convention and/or its 1967 Protocol. My ambition is to promote universal accession to these instruments.

Action 2: I will pursue, vigorously and systematically, the implementation of the Agenda for Protection, including through accessions by States to the 1951 Convention and/or its 1967 Protocol, recognizing that international protection and the search for permanent solutions are the core of the UNHCR mandate.

B. Stateless persons

20. The UNHCR involvement with the issue of statelessness dates back to the 1951 Convention drafting process, when it was recognized that problems associated with statelessness often produce refugees. In 1954, the Convention relating to the Status of Stateless Persons was adopted, and later supplemented by the 1961 Convention on the Reduction of Statelessness. However, it was not until 1974 that UNHCR was asked by the General Assembly provisionally to undertake the functions foreseen under article 11 of the 1961 Convention. This added stateless persons to the UNHCR mandate. In practice, however, UNHCR pursued this responsibility in a limited fashion. This was due to the small number of States that had acceded to the 1961 Convention, the Office's preoccupation with refugees and its limited role with regard to statelessness.

21. In the early 1990s, this situation changed as a result of mounting concern that the break-up of States in Europe would create large numbers of stateless and displaced persons. UNHCR was conscious of the role it could play in such a scenario, and initiated a dialogue with the Executive Committee and the General Assembly concerning greater involvement in statelessness. New activities included raising awareness, internal training workshops, technical and advisory services, promoting accessions to the Conventions on stateless persons and statelessness, and partnership programmes.

22. After a period in which the focus of these new activities was primarily on Central and Eastern Europe, UNHCR gradually began to broaden its activities. Nevertheless, in large parts of the world the extent of UNHCR involvement in the problem of statelessness remains too limited.

Action 3: My Office will continue to promote new accessions to the 1954 and 1961 Conventions on stateless persons and statelessness. I also intend to extend UNHCR activities in relation to statelessness to achieve global coverage.

C. Internally displaced persons

23. In many conflicts there are more persons fleeing to places within their own country than across international borders. Their situation is often extremely precarious. The primary responsibility for protecting and assisting them, and for finding a solution to their predicament, rests with the Government of the country concerned, and in times of conflict, with the parties to the conflict. National and local authorities have primary responsibility for ensuring effective physical protection. Humanitarian agencies cannot be expected to deliver this protection. Only in certain instances, where conditions allow, can agencies contribute to this endeavour.

24. Yet the international community has long recognized that, in addition to the special mandate and crucial role of the International Committee of the Red Cross for the protection of civilians in armed conflict, other agencies, including UNHCR, can have important protection and assistance functions. This is particularly the case in situations where a vacuum of authority exists.

25. In the absence of an overall mandated United Nations agency for internally displaced persons, there is a recognized need for effective inter-agency cooperation and coordination arrangements. UNHCR supports the collaborative approach on internally displaced persons and the role of the Emergency Relief Coordinator in this respect; at the field level, UNHCR continues to work closely with the United Nations country teams, chaired by the Resident/Humanitarian Coordinator. The collaborative approach works best where accountability is not diluted, but based on a clear division of labour that reflects the mandate-related responsibilities, expertise and resource capacity of each partner in each specific situation.

26. Over a period of several decades, a series of General Assembly resolutions have acknowledged the particular expertise of UNHCR and encouraged its involvement in situations of internal displacement. In particular, the General Assembly in 1998[7] set out important criteria to guide the UNHCR decision on responses to internally displaced person emergencies. These resolutions, in line with

the Office's Statute, provide the legal basis for the Office's interest in and action for internally displaced persons.

27. UNHCR internal Operational Guidelines of 2001 set out a number of criteria for UNHCR involvement with internally displaced persons. Within these parameters, the Office is focusing increasingly on post-conflict situations, particularly where there are clear linkages with refugee repatriation. Where returning refugees and internally displaced persons originate from the same areas and face similar assistance, protection and reintegration problems, there are clear advantages in not differentiating between them in the inter-agency response. However, in other operations, my Office's involvement with internally displaced persons may contribute to confidence-building measures and the prevention or mitigation of causes of displacement.

28. Humanitarian crises and post-conflict situations involving internally displaced persons would benefit from greater predictability in the United Nations response. Thus far, the collaborative approach often leaves too much to be decided on an ad hoc basis. More needs to be done to strengthen this approach, to ensure more rapid agreement on the inter-agency division of labour, better planning, faster operational deployment and improved funding.

29. In an effort to enhance predictability and transparency, and in order to facilitate the coordination function of the Emergency Relief Coordinator, I intend to continue providing an annual notification of my Office's current and anticipated involvement in internally displaced person situations. This is an initiative which I began in 2002. It is based on inter-agency consultations at the field level in the context of the collaborative approach. If the Secretary-General and the Emergency Relief Coordinator so wish, and subject to adequate funding and staff safety considerations, my Office remains available to contribute to other internally displaced person situations.

Action 4: Within the system-wide United Nations approach, I will reinvigorate measures for my Office to be fully engaged with other partners in pursuing activities for internally displaced persons. I will also continue to consult regularly with the Secretary-General and the Emergency Relief Coordinator and to keep them informed of UNHCR operations that benefit internally displaced persons, as a means of contributing to more predictability within the United Nations system.

D. Returnees

30. Many of the post-conflict situations to which refugees return today are characterized by high levels of social, physical and material insecurity, and are vulnerable to renewed outbreaks of violence, armed conflict and population displacement. Because of the risks faced by returnees, UNHCR is expected to play a protection role for an initial period to ensure that the return is sustainable. My Office is making renewed efforts to develop effective transition or exit strategies that involve development actors at an early stage and take account of returnees' potential. The UNHCR task, in partnership with other organizations, is to provide returnees with sufficient protection and assistance to ensure that they can successfully reintegrate and kick-start economic activities. This includes limited aid

packages and a focus on returnees' economic potential, as well as returnee monitoring. It also includes support to countries and areas to which refugees return.

Action 5: In partnership with other relevant actors, I will strengthen my Office's activities for the protection of and assistance to returnees, to ensure their successful reintegration and to kick-start economic activities that focus on their potential.

IV. Focus on durable solutions

31. The majority of countries hosting large refugee populations today are developing countries. During the period from 1997 to 2001, developing countries hosted some two thirds of the global population of concern to UNHCR. Refugees are often accommodated in remote areas that are characterized by poverty. In many cases, these areas are not a priority for development assistance. The situation is compounded in those countries that have been hosting large refugee populations over protracted periods. This can aggravate the longer-term economic, social and environmental impact on refugee-hosting areas.

32. The search for durable solutions must become more systematic and should commence at the outset of a refugee crisis. In this regard, I have launched a number of initiatives to address the transition from emergency relief to development in post-conflict situations. This includes my efforts to ensure that refugees are included on the development agenda.

33. The task of searching for durable solutions needs to be incorporated more systematically into national and regional planning instruments, as well as those of the United Nations itself. This task cannot be carried out by UNHCR alone. UNHCR works in partnership with the World Bank, the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP) and other United Nations agencies, as well as with bilateral development partners. These partnerships are aimed at addressing cross-cutting concerns and engendering a sense of collective ownership in the pursuit of durable solutions. To this end, UNHCR has developed, in close cooperation with its partners, a Framework for Durable Solutions, consisting of the following elements:

- The promotion of development assistance for refugees through better targeting of such assistance to countries and areas hosting large numbers of refugees over protracted periods;
- The establishment of so-called "4Rs" programmes for returnees and internally displaced persons of concern to UNHCR. These will ensure the linkages between repatriation, reintegration, rehabilitation and reconstruction. Using a country-specific approach, the programmes will provide an overarching framework for institutional cooperation between UNHCR and its development partners and are an integral part of transition strategies;
- The promotion, in those cases where local integration of refugees is a viable option, of a strategy of development through local integration.

Action 6: In searching for durable solutions for refugees, I will continue to play a catalytic role in involving development actors in activities aimed at facilitating self-reliance and support to host communities. I will also promote

the systematic use and further development of the tools in the Framework for Durable Solutions.

V. Asylum and migration nexus

34. Since the beginning of the 1980s, the attitude of many Governments towards asylum-seekers, refugees, and migrants has changed. Their new policies have sought to respond to increasing numbers of asylum-seekers and to the challenges posed as a result of mixed flows, where asylum-seekers are found alongside labour migrants. With many channels of legal migration virtually closed, some migrants fall prey to smugglers and traffickers who misuse the asylum channel as a viable means of entry.

35. UNHCR must strive to ensure that the needs of refugees and asylum-seekers are properly met within the broader context of migration management. In this connection, my Office has the dual task of promoting durable solutions and of ensuring that asylum systems are kept in good working order and, where necessary, improved. The Agenda for Protection has set a number of important objectives in these areas.

36. Although different in scope and nature, efforts to develop better systems for migration and for asylum go hand in hand. Asylum systems cannot function effectively without well-managed migration; and migration management will not work without coherent systems and procedures for the international protection of refugees. Asylum and managed migration systems should, however, be based on a clear distinction between the different categories of persons. Because refugees lack protection in the country of origin, they rely on the availability of international protection as embodied in the 1951 Convention and its 1967 Protocol, as well as in numerous regional arrangements.

37. It is important to maintain the credibility of asylum systems and regular migration channels. Factors which could contribute to this objective in the asylum area include simplifying asylum procedures, strengthening protection capacities in host countries, as well as promoting durable solutions. UNHCR can contribute to such endeavours, drawing upon the Agenda for Protection and the wealth of experience it has built up through assisting States in these matters.

38. The International Organization for Migration (IOM) and UNHCR aim to continue strengthening their strategic alliance, as I announced to the Executive Committee in 2002. Through the Action Group on Asylum and Migration (AGAMI), which was established in 2001, efforts are being made to cooperate closely and effectively on asylum/migration policies.

39. In order to develop comprehensive migration policies and working methods, it is important that IOM and UNHCR also connect with other key actors. To this end, a process of wider migration-related consultations have been initiated among IOM, the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Office on Drugs and Crime (UNODC) and UNHCR. The aim is to cooperate better and to find ways of attaining maximum complementarity. It is foreseen that the United Nations Population Fund (UNFPA) and the Department of Economic and Social Affairs will be involved in future consultations.

Action 7: While maintaining a clear distinction between forced and voluntary migration, I intend to continue to contribute, within my mandate, to ensuring that the needs of refugees and asylum-seekers are properly met within the broader context of migration management. I will also continue to promote the strategic alliance with IOM, and the migration consultation mechanism involving IOM, ILO, OHCHR, UNODC and UNHCR, as means of attaining maximum complementarities in relation to the asylum/migration nexus.

VI. Moving towards a global coalition

A. Enhancing multilateralism

40. The General Assembly or the Economic and Social Council provide policy directives to UNHCR. Moreover, an Executive Committee of the High Commissioner's Programme was created in 1958[8] and functions as a subsidiary organ of the General Assembly. Within this structure, the Executive Committee fulfils four basic functions, namely executive, standards setting, advisory and information sharing. It adopts decisions approving the UNHCR annual budget target and on other issues concerning programmes, administration and management in fulfilling its governance function. In fulfilling its advisory and standards setting functions, it also adopts conclusions on international protection issues. The Executive Committee created a Standing Committee in 1995. Its programme of work is set by the Executive Committee. It includes thematic discussions and reviews of UNHCR activities and programmes in the various regions, and the adoption of decisions and conclusions, for subsequent endorsement by the Executive Committee.

41. The membership of the Executive Committee reflects a broad geographical representation, including both donors and hosting States. It functions on the basis of consensus and plays an important role in enhancing the sharing of responsibilities and burdens among States. During consultations on the UNHCR 2004 process, a number of States indicated that they were satisfied with the current function of the Executive Committee, and with the role given to NGOs. Nevertheless, there were calls to consider measures to improve the efficiency and productivity of the Executive Committee and its Standing Committee.

42. Multilateralism is key to making UNHCR more effective. It is important that the Office forges closer relationships with States. This will help to ensure that a maximum number are co-owners of UNHCR policies and actively participate in their implementation. It will also promote cooperation between States and an open dialogue on how to better share responsibilities and burdens.

43. The UNHCR constituency of States should not be limited to a coalition of the willing. A more inclusive multilateral regime is required; one that encourages the involvement of all States Parties to the 1951 Convention and/or the 1967 Protocol. This will promote international solidarity and the sharing of responsibilities and burdens, and will strengthen the Office's capacity to pursue its mandate. To this end, I intend to convene on a regular basis, in consultation with the Executive Committee, a ministerial meeting of all States Parties to the 1951 Convention and/or its 1967 Protocol.

Action 8: I will seek to bring greater attention and a higher profile to refugee issues. I intend to convene, in consultation with the Executive Committee, ministerial meetings of States Parties to the 1951 Convention relating to the Status of Refugees and/or the 1967 Protocol as well as other members and observers of the Executive Committee. The meetings will take place normally every five years, in conjunction with the meetings of the Executive Committee.

B. Streamlining reporting

44. In keeping with the spirit of the Secretary-General's agenda for further change, the current reporting requirements of my Office to the Economic and Social Council and the General Assembly could be streamlined. Under the existing arrangements, my written report, prepared as early as April, is submitted to the Council, which takes note of the report in July and forwards it to the General Assembly for consideration in November. To improve this process, I propose that I report orally to the Council, in particular on the coordination aspects relating to the work of my Office, while continuing to report in writing to the General Assembly on the overall work of UNHCR. This would ensure that the information provided in the reports to each of these bodies is more up-to-date, and that it thereby addresses the issues of concern to each body more directly.

Action 9: I will encourage the General Assembly to streamline the reporting requirements of my Office by calling for an oral report to be provided to the Economic and Social Council, focused on the coordination aspects relating to the work of UNHCR. I will also suggest that I continue to report in writing to the General Assembly on the overall work of my Office, containing periodically a strategic review of the global situation of refugees.

VII. Coordination and partnerships

A. The Office of the United Nations High Commissioner for Refugees within the United Nations system

45. The position of UNHCR within the United Nations system is an important factor that affects its ability to address the various aspects of forced displacement. In view of the growing interconnection between conflict management, humanitarian action, human rights and development policies, I have reassessed my Office's position in the United Nations family. It is important that UNHCR establish better linkages with the United Nations system. I will seek to enhance interaction with the Office of the Secretary-General, the General Assembly, the Economic and Social Council and the Security Council, in order to foster greater understanding of the issues that affect the provision of international protection and the promotion of durable solutions. With this in mind, I am strengthening the UNHCR representation in New York.

46. The Secretary-General has called for the mobilization of political, military and humanitarian aid assets in a coherent manner to build peace and security. It is widely accepted that refugee emergencies pose security concerns, and that finding solutions promotes stability. UNHCR needs to link up with the United Nations peace and security pillar, notably with the Departments of Political Affairs and Peace-keeping

Operations. Being present in many unstable parts of the world, UNHCR is in a good position to contribute to peace and security, for instance, by providing early warning and contributing to the formulation of preventive policies. The UNHCR staff security concerns also necessitate close contacts with the Office of the United Nations Security Coordinator. Wider security issues, such as human smuggling and trafficking, the recruitment of soldiers — including child soldiers — in refugee camps, the separation of armed elements from refugee populations, and countering terrorism also warrant closer cooperation between UNHCR and the relevant New York-based United Nations agencies and organizations.

47. In order to successfully implement the Framework for Durable Solutions, it needs to be supported by development actors and provided with multi-year funding by donors. To this end, UNHCR became a member of the United Nations Development Group in order to ensure that refugees and returnees are given due consideration in the formulation of post-conflict policies, both from humanitarian and development perspectives. This is a means of contributing to the implementation of the United Nations Millennium Development Goals. I have also strongly supported the joint Executive Committee on Humanitarian Affairs/United Nations Development Group Working Group on transition issues.

48. At the field level, possibilities exist for better cooperation between UNHCR and development actors. One such opportunity is the Common Country Assessment/United Nations Development Assistance Framework process. UNHCR has a good opportunity to place refugees on the development agenda through this process, and to sensitize other agencies and donors to the development needs of refugees and returnees. Another opportunity is provided by the World Bank's Poverty Reduction Strategy Paper process. Similarly, recognition of the burden refugees place on host countries can be promoted in the various forums of the Development Assistance Committee at the Organization for Economic Cooperation and Development.

49. Within the humanitarian pillar of the United Nations, the Office for the Coordination of Humanitarian Affairs has a key coordination role. Other important humanitarian coordination mechanisms include the Inter-Agency Standing Committee, which brings the wider humanitarian community together around policy formulation and common principles and standards, the consolidated appeal process and the Common Humanitarian Action Plan. UNHCR is fully committed to continuing its support to and engagement with these mechanisms both at the field level and at Headquarters. The Secretary-General has confirmed that the Resident Coordinator must be the lynchpin of field coordination. While due attention needs to be given to the UNHCR international protection role, I support strengthening the role of country teams, led by resident coordinators or, where applicable, humanitarian coordinators.

50. Human rights have grown in importance within the United Nations system. They have become a cross-cutting issue in the peace and security, as well as the humanitarian and development pillars of the United Nations. I intend to consult further with the United Nations High Commissioner for Human Rights on how we can enhance, within the limits of our respective mandates, information exchanges and operational activities.

Action 10: I intend to expand and strengthen the linkages between my Office and the office of the Secretary-General, the United Nations Secretariat, and the

bodies and organizations in the areas of peace and security, development, humanitarian affairs and human rights. At the field level, I will link my efforts to promote durable solutions with initiatives such as the Common Country Assessment/United Nations Development Assistance Framework.

B. Non-governmental organizations as operational partners

51. In his report on an agenda for further change, the Secretary-General notes that partnerships between the United Nations system and NGOs in the humanitarian and development areas have been the rule for decades. UNHCR is one of the forerunners within the United Nations in this respect. In recent years my Office has made substantial efforts to strengthen its relations with the NGO community. These efforts have enabled NGOs to provide input into UNHCR policy-making. I have also recognized the need to enhance operational partnerships and to draw on their expertise and capabilities. In defining a strategy to strengthen partnerships, the focus should be on those arrangements that provide clear added value. One such arrangement which I am pursuing is to involve NGOs more directly in operational and budgetary assessment and planning. I also intend to explore ways of ensuring that the Office works with the best possible partners. Better information sharing between UNHCR and NGOs is another area for future focus.

52. In addition to NGOs, National Red Cross and Red Crescent Societies have long played an important role in various contexts as UNHCR partners, acting in accordance with the fundamental principles of the International Red Cross and Red Crescent Movement. This role will continue to be important to my Office.

Action 11: My Office will continue to enhance its partnerships with NGOs in their important roles as advocates, humanitarian actors and operational partners. Strengthened strategic, operational and implementing partnerships will include the direct involvement of relevant NGOs in operational assessment and planning.

VIII. Funding

A. Voluntary funding

53. The basis for UNHCR funding is stipulated in article 20 of its Statute, which provides that UNHCR administrative expenditures should be borne by the budget of the United Nations and all other expenditures relating to the activities of the Office should be financed by voluntary contributions. This rather ad hoc approach to funding still reflects the reality of the 1950s, when the Office dealt with a specific refugee problem in Europe and its mission was meant to be time-limited. For too long, UNHCR ability to operate has been hindered by a funding structure that is not adapted to the Office's worldwide responsibilities and the expectations placed on it by the international community. Accordingly, the Office has been urged to give more structure to its funding.

54. In 2002, the Executive Committee reaffirmed its support for UNHCR ongoing efforts to broaden and diversify its donor base, with the aim of fully funding its budget. It also recommended developing innovative approaches to financing the

UNHCR budget, aimed at increasing the predictability of funding and at broadening the donor base. I have, therefore, in consultation with the Executive Committee, developed a broader framework for funding UNHCR: generating more private sector funding, identifying complementary funding sources and increasing the UNHCR share of the United Nations regular budget in accordance with the Statute of the Office. Among the new elements of this framework is a 30 per cent base level model.

55. This model is part of a broader effort that focuses on improving the existing voluntary financing modalities, without fundamentally changing them. It provides for a skeleton structure for UNHCR to maintain its response capacity from year to year. This would enable the Office to provide basic protection services, react quickly in the initial stages of new crises, cover the most urgent needs for durable solutions, and provide the most basic assistance to refugees in protracted situations. The model is primarily a means to broaden the UNHCR donor base and to address the chronic shortfall in funding. It is derived from an application of the United Nations scale of assessment to 30 per cent of the UNHCR annual budget, and weighted according to the average contributions of a State over the past 10 years, or its contribution in the most recent financial year. All contributions based on this model will be voluntary.

56. Many developing countries that host refugees carry an economic, social and often environmental burden. This burden is recognized by the international community. In 2002, the Executive Committee acknowledged in particular the importance of ensuring that the burden borne by host developing countries is considered in parallel with financial contributions.

57. Host developing countries may not be in a position to meet a base level financial contribution to UNHCR in addition to their considerable contribution in terms of hosting refugees. This applies, for example, to the majority of refugee-hosting countries in sub-Saharan Africa. In this spirit, UNHCR will promote the base level model in a flexible manner, according to each country's means and circumstances.

58. At the same time, the Executive Committee has recognized the essential role of donors in providing financial and other support. Their voluntary contributions beyond the base level will need to continue. Currently, however, half of the UNHCR annual budget is funded by only 3 donors, and 12 donors account for approximately 90 per cent. Promoting a broader sharing of the base level is aimed at making it easier for donors to fully fund the remaining amount of the UNHCR budget.

59. While it is recognized that cash donors have domestic expenditures in relation to maintaining asylum systems, resettlement or integration that are generally not reflected in contributions to UNHCR, a broader burden-sharing by at least participating in base level funding is desirable.

60. For a number of States, applying the base level model would mean an increase in the level of their contribution to UNHCR as compared to past practices. Where there is considerable variation between past funding and the base level model, a phased approach is foreseen. It is expected that the increase in contributions, which would bring in up to $65 million in additional funds, would take place in phases over a multi-year period.

61. I will contact States, on a bilateral basis, to ascertain how and to what extent they may wish to apply the base level model. I would also welcome States initiating

such contacts. The model will be implemented on a pilot basis for a three-year period, to determine the impact it will have on broadening the donor base and on improving the funding situation of UNHCR.

Action 12: I will continue to actively encourage States to contribute their share to fully fund the UNHCR budget. This will be pursued through bilateral contacts to broaden my Office's donor base and diversify its funding sources, including through the private sector. In addition, a base level approach to funding will be implemented by those States that wish to apply it. This will initially be pursued on a pilot basis.

B. United Nations regular budget contribution

62. It is also important that UNHCR maintains a direct link with the United Nations regular budget adopted by the General Assembly. This is an expression of the global ownership by Member States of the work of UNHCR, and it underlines the significance of the UNHCR mission to the United Nations purposes and principles. Article 20 of the Statute of the Office states that the Office shall be financed under the budget of the United Nations with respect to its administrative expenditures. Currently, only some $23 million are funded each year through the United Nations regular budget. Despite the incremental increases in the contributions from the United Nations regular budget, the budget of UNHCR still shoulders a sizeable proportion of administrative expenditures.

Action 13: I will encourage States to support additional incremental increases in the allocation of funding from the United Nations regular budget to reach a level consistent with the Office's Statute.

Notes

[1] Para. 1 of UNHCR Statute, annexed to General Assembly resolution 428 (V) of 14 December 1950.

[2] A/57/387 and Corr.1.

[3] This document is available on the UNHCR web site: www.unhcr.ch/partners.

[4] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 12A* (A/57/12/Add.1), annex IV.

[5] Para. 5 of UNHCR Statute.

[6] A/AC.96/975.

[7] Resolution 53/125.

[8] General Assembly resolution 1166 (XII) and Economic and Social Council resolution 672 (XXV).